

July 26, 2022

The Honorable Chip Roy
U.S. House of Representatives
1005 Longworth House Office Building
Washington, DC 20515

Dear Congressman Roy:

Thank you for your letter of July 6, 2022, and for your interest in the relationship between the Galveston National Laboratory (“GNL”) at the University of Texas Medical Branch in Galveston (“UTMB”) and the Wuhan Institute of Virology (“WIV”), and specifically the Memorandum of Understanding (“MOU”), dated October 20, 2017. As you know, the GNL is dedicated to protecting the national security interest of the United States by teaching proven best practices in biosafety and lab operations to scientists across the country and around the world. The GNL is one of only two maximum biocontainment laboratories on an academic campus in the United States and has established itself as perhaps the premier facility in the world for the safe and secure conduct of research on the world’s most dangerous pathogens. As such, the GNL serves a critical role in America’s national security defense infrastructure. It has been a source of great pride and economic benefit for Texans to house this world-class research facility in Galveston. I welcome your interest in our important work.

To better understand the MOU in question, let me first establish some context. I have over five decades of public service, including, among other things, a career in uniform as an Army Officer, where I worked to protect Americans against threats from highly dangerous biological weapons; multiple leadership positions at the Centers for Disease Control and Prevention, where I oversaw the government’s responses to dangerous outbreaks of global concern; and my service as the Director of the GNL until my retirement in 2021. This depth of experience has made me acutely aware of the security implications and public health importance of work with high-risk pathogens. This significantly informed how I approached my leadership of the GNL, a facility with an impeccable safety record, and my desire to share our best practices on biosafety and security with other labs operating worldwide.

Until relatively recently, there were only a handful of maximum biocontainment laboratories in operation, and these were located primarily in the U.S. (USAMRIID and CDC, later others), Russia, Europe, South Africa, and Australia. In recent years, however, there has been a global proliferation of biocontainment laboratories; today, there are more than 50. These are highly complex facilities that require specialized training for their safe and secure operation. But access to appropriate training for investigators and facility managers is not widely available, especially in countries like China that lack a history of biocontainment research.

This represents a clear national security threat – as we have learned during the COVID-19 pandemic, a pathogen emerging anywhere, whether through natural causes, improperly secured facilities, or otherwise, is a threat to global health everywhere. This risk was recognized by Senator Kay Bailey Hutchison, who was instrumental in supporting the GNL. In fact, prior to the GNL’s 2008 opening, Senator Hutchison facilitated Department of Defense funding to support the creation of UTMB’s National Biocontainment Training Center. The Center flourished for nearly a decade and provided over 10,000 training encounters for GNL staff and students, as well as to international partners from over 45 countries seeking to build their own biocontainment programs. These efforts made U.S. citizens, and the entire world, safer.

Among the thousands of participants in these trainings, only a few have been Chinese scientists. In the last decade, China has built multiple, new biocontainment labs, where the GNL has helped implement training in biosafety and biosecurity practices through the DoD-sponsored grant. This work, while small in footprint, helped to enhance understanding of the critical importance of following careful biosafety practices and managing the risks of laboratory operations.

It is with this context in mind and in parallel to efforts between the National Academies of Sciences and Chinese Academies of Science that UTMB considered entering into an MOU with the Chinese Academy of Sciences (WIV) and two other Chinese laboratories, the Chinese Academy of Medical Sciences laboratory in Kunming and the Chinese Academy of Agricultural Sciences laboratory in Harbin. Each of these MOUs was substantially similar and aspirational in nature. That is, the MOUs did not provide for actual research collaboration. Their purpose was to establish a general framework to facilitate future research collaborations with scientists working at these laboratories in China. As a result, there was never any intent that the MOUs would cover the generation of original research findings or data; instead, we all understood that the parties would need to enter into specific negotiations and separate agreements for future specific research projects. Each partner would finance their own share of the research and discoveries would be jointly owned and reported. Through such partnerships, we hoped to share best practices for safety and security, provide situational awareness and transparency regarding research in progress, and build trust at a scientist-to-scientist level. This model was proposed for global application in an editorial published October 18, 2018, in *Science*, the premier scientific journal in the USA. Due in part to the COVID-19 pandemic, we were never able to implement the partnership as envisioned.

Your concern regarding the wording in Section XVI, item iii is clearly appropriate. The MOU was jointly crafted by UTMB and our Chinese counterparts and while several revisions of the text were made, I failed to edit this clumsy wording. To be clear, there was never any intention to generate, let alone “destroy and/or return . . . secret files, materials and equipment.” Indeed, no such files or materials have been destroyed or returned. Nonetheless, I accept full responsibility and apologize for this oversight. As you and your staff now know, UTMB has terminated each of the MOUs in question.

In response to your five specific questions:

1. Did you receive any requests to enact the provision to either destroy or return files, documents, data, research materials or equipment?

Response: No

2. Did either party request a modification to the agreement and if so, please provide copies of all modifications.

Response: No. No requests for amendment to the agreement were received and, consequently, no modifications to the signed MOU were ever made.

3. I do not have any personal knowledge regarding Question No. 3.

4. As the agreement between UTMB and the WIV is a foreign component of NIH grants, did you or any personnel at UTMB seek and receive prior approval from the NIH per 8.1.2.10 under NIH grant terms and conditions?

Response: The MOUs were aspirational documents and did not constitute a foreign component of NIH grants or laboratory operations because no NIH-specific work or research



was contemplated under the MOUs. At no point were any NIH resources ever expended to support the MOU. Our collaborations with the WIV and other Chinese institutions were reported in our annual reports to NIH and discussed informally in monthly update telecons with our NIH operations grant program officer.

Further, when there is a foreign component to an NIH sponsored grant, it is UTMB's policy to request prior approval pursuant to Section 8.1.2.10 under NIH grant terms and conditions. The MOU between UTMB and the WIV, however, did not establish any sponsored research by NIH or any other federal entity, so there was no need for a request for prior approval to the NIH. As stated in the MOU:

Any collaborative research agreement, or similar arrangement related to scientific development and/or discovery, shall be separately negotiated and a written agreement executed by and between both parties for each such agreement.

5. Did you in your official capacity at UTMB enter into any other MOUs with other laboratories in China or any other foreign countries?

Response: As explained during previous discussions with your staff, UTMB attempted to negotiate MOUs with scientists and researchers at the Chinese Academy of Medical Sciences laboratory in Kunming and the Chinese Academy of Agricultural Sciences laboratory at Harbin, both of which have recently constructed BSL4 maximum containment laboratories. We used MOU templates that were substantially similar to the one that was used with WIV. As explained above, UTMB has since terminated each of these MOUs.

I also signed an MOU with scientific collaborators in Croatia in 2007. This agreement focused on technical training and information exchanges and has since expired. This MOU differed from the MOUs with the Chinese laboratories and did not include the problematic confidentiality provision.

I hope this information is helpful. I am happy to answer any additional questions you or your staff may have and I also would like to extend a personal invitation to you and your staff to visit the GNL and tour our facility so we can further discuss the important work being done.

Yours sincerely,

James W. Le Duc
Director, GNL 2010-2021